

REMARKS

Claims 1-18 are pending in this application. Claims 1, 8, and 15 have been amended. No new matter has been added. Favorable reconsideration and allowance of the pending claims are respectfully requested in view of the foregoing amendments and the following remarks.

Claim Rejections – 35 U.S.C. § 112

Claims 1-18 stand rejected under 35 U.S.C. § 112 for not particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention. Applicants respectfully traverse the rejection based on the above amendments.

Claim Rejections – 35 U.S.C. § 103(a)

Claims 1, 2-5, 7, 8-12, and 14-16 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,421,733 to Tso et al. (“Tso”) and WinRoute Pro 3.0 User’s Manual (“WinRoute”) and U.S. Patent No. 5,991,306 to Burns (“Burns”). Claims 6 and 13 stand rejected as being unpatentable over Tso and WinRoute and Burns in view of well-known Internet standards. Applicants respectfully traverse the rejections.

Applicants have amended the independent claims in order to expedite prosecution on the merits. In particular, independent claim 1 has been amended to recite “deleting said information at the network node upon delivery of said information to said client.” Independent claim 8 has been amended to recite “deleting said information at the second network node upon delivery of said information to said first network node.” Independent

claim 15 has been amended to recite “deleting said information at the network node upon delivery of said information to said client.”

To form a *prima facie* case of obviousness under 35 U.S.C § 103(a) the cited references, when combined, must teach or suggest every element of the claim. *See* MPEP § 2143.03, for example. Furthermore, if an independent claim is non-obvious under 35 U.S.C. § 103, then any claim depending therefrom is non-obvious. *Id.*

Moreover, all of the teachings of the cited references must be considered, even disclosures that teach away from the claimed invention. *See* MPEP § 2141.02. In addition, the proposed combination cannot render the cited references unsatisfactory for their intended purpose or change the principle of operation of a reference. *See* MPEP § 2143.01, for example. Thus, it is improper to combine references where the references teach away from their combination. *See* MPEP § 2145, for example.

Applicants submit that even assuming the cited references could be combined, such a combination would nevertheless fail to teach all the elements of amended independent claims 1, 8, and 15. In particular, the cited references describe a caching mechanism and thus teach away from deleting information upon delivery. Indeed, the WinRoute “Continue Aborted” feature teaches away from the deletion of information after delivery to a client having issued several requests for it, and is directed to solving a problem of a different nature. As such, there would be no motivation for making such a modification.

Furthermore, with respect to deleting cached content, Burns teaches the following:

The content is downloaded from the content provider during the off-peak hours and cached at the local service providers for serving to the subscribers during the ensuing peak time. In this manner, the frequently requested content is already present at the local service providers and ready to be served to the subscribers before they actually request it.

[T]he local service provider 110 also includes a policy manager 128 which defines and administers rules that determine which documents or resources are cached in the cache memory 124. For instance, caching rules might call for caching resources that are routinely requested by many subscribers, but foregoing caching resources that are rarely or infrequently requested. The policy rules also coordinate cache maintenance by deciding when documents are out-of-date and how these documents are deleted from the cache memory 124.

Deletion policies are a function of the content itself (e.g., its TTL tags), the subscriber patterns (e.g., how frequently the content is requested), the cost to request newer updated content, and the constraints imposed by capacity limitations of the cache memory.

From the above, Burns clearly teaches caching frequently requested content so that such content is available to subscribers before they request it. Accordingly, Burns fails to teach and indeed teaches away from deleting information at a network node upon delivery of the information to a client. At most, Burns teaches deleting out-of-date documents from cache memory according to certain deletion policies.

Accordingly, even assuming the cited references could be combined, such a combination would nevertheless fail to teach deleting information at a network node upon delivery of the information to a client as recited in independent claims 1, 8, and 15.

Furthermore, Applicants respectfully disagree with the rationale set forth in the Office Action that cache memory would be more efficiently utilized if content were deleted as soon as possible. As taught by Burns, content is cached when such content is routinely requested by many subscribers. If cached content were to be deleted upon

delivery to a subscriber, the content would no longer be available to others subscribers before they request it. Accordingly, the modification of cache memory proposed by the Office Action would change the principle of operation of the cited references and render the cited references unsatisfactory for their intended purposes.

In view of the above, Applicants respectfully submit the cited references, whether taken alone or in combination, are insufficient to establish a *prima facie* case of obviousness with respect to independent claims 1, 8, and 15. Applicants submit that independent claims 1, 8, and 15 are allowable for at least this reason and that claims 2-7, 9-14, and 16-18 are allowable by virtue of their dependency, as well as on their own merits. Accordingly, reconsideration and withdrawal of the § 103(a) rejections are requested.

Applicants do not otherwise concede, however, the correctness of the Office Action's rejection with respect to any of the dependent claims discussed above. Accordingly, Applicants hereby reserve the right to make additional arguments as may be necessary to further distinguish the dependent claims from the cited references, taken alone or in combination, based on additional features contained in the dependent claims that were not discussed above. A detailed discussion of these differences is believed to be unnecessary at this time in view of the basic differences in the independent claims pointed out above.

It is believed that claims 1-18 are in allowable form. Accordingly, a timely Notice of Allowance to this effect is earnestly solicited.

The Examiner is respectfully requested to contact the undersigned by telephone if such contact would further the examination of the present patent application.

Respectfully submitted,

KACVINSKY LLC



Robert V. Racunas, Reg. No. 43,027
Under 37 CFR 1.34(a)

Dated: September 28, 2006

4500 Brooktree Road, Suite 102
Wexford, PA 15090
(724) 933-5529